

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Forrest Andre Parker, Sr., Debtor)
)

Case No. 21-31527-KRH
Chapter 13

MOTION TO DISMISS CASE WITH PREJUDICE

COMES NOW Suzanne E. Wade, Chapter 13 Trustee, and moves this Court to dismiss the case of Forrest Andre Parker, Sr. (the “Debtor”), with prejudice and a prohibition from re-filing a bankruptcy case under any chapter of the Bankruptcy Code, in any jurisdiction in the United States, for a period of at least two (2) years; and in support thereof states as follows:

Parties

1. Forrest Andre Parker, Sr is represented by counsel in this case.
2. On or about May 7, 2021 Suzanne E. Wade was appointed Chapter 13 trustee in this case. She continues to serve as the Chapter 13 Trustee in this case.

Jurisdiction and Venue

3. This motion is commenced pursuant to Rule 9013 of the Federal Rules of Bankruptcy Procedure.
4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and 11 U.S.C. §§ 105 and 1307(c). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (J).
5. This Motion is brought by the Trustee in furtherance of her duties as set forth in 11 U.S.C. § 1302(b), and is filed for the specific purpose of having the dismissal of this case be with prejudice with a prohibition from re-filing any bankruptcy case under any chapter of the Bankruptcy Code in any jurisdiction of the United States for a period of at least two (2) years.

Background

6. On or about May 7, 2021 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C. § 101, et seq. (the “Bankruptcy Code”), designated as Case Number 21-31527-KRH (the “Current Case”).
7. Prior to the Current Case, the Debtor has filed three other Chapter 13 cases, all of which have been dismissed. The cases can be summarized as follows:

- a. The first case was filed on July 9, 2019 was dismissed by Order entered August 29, 2019

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- for failure to file required documents (Case No. 19-33568-KRH).
- b. The second case, filed January 15, 2020, was dismissed by Order entered February 18, 2020 for failure to file required documents (Case No. 20-30233-KLP).
 - c. The third case, filed October 16, 2020, was dismissed by Order entered November 23, 2020 for failure to file required documents (Case No. 20-34186-KLP).
8. The Debtor is currently in default in making the payments under the Plan as provided in 11 U.S.C. 1307 (c)(1)(3). The last payment received from the Debtor posted on May 20, 2021.

Argument

9. 11 U.S.C. § 105 provides, in pertinent part, that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).
10. 11 U.S.C. §1307 (c)(1)(3) provides the Court may dismiss a case for cause, including unreasonable delay that is prejudicial to creditors.
11. In addition, the Trustee would suggest the Debtor’s history of repetitive bankruptcy filings demonstrates a lack of good faith and is prejudicial to creditors.
12. Therefore, dismissal is appropriate pursuant to 11 U.S.C. § 1307(c)(1)(3).
13. In addition to dismissal, the Trustee seeks an order preventing the Debtor from filing another bankruptcy case for a period of at least two (2) years.

WHEREFORE, the Chapter 13 Trustee, respectfully requests the Court dismiss this case with prejudice against the Debtor filing any other bankruptcy case in any jurisdiction in the United States under any chapter of the Bankruptcy Code for a period of at least two (2) years from the entry of this Order on the Court’s docket, and grant any other and further relief which the Court deems equitable and just.

Respectfully submitted,

Date: September 9, 2021

/s/ Suzanne E. Wade

Chapter 13 Trustee

Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 31868
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Richmond, VA 23226
(804) 775-0979

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing MOTION TO DISMISS CASE WITH PREJUDICE was served electronically or by first-class mail, postage prepaid, this 9th day of September, 2021, upon the following parties:

Forrest Andre Parker, Sr.
9811 Fendale Lane
Fredericksburg, VA 22408

James E. Kane, Esquire
Kane & Papa, PC.
1313 East Cary Street
P.O. Box 508
Richmond, VA 23218
jkane@kaneandpapa.com

Johnie Rush Muncy, Esquire
Samuel I. White, P.C.
1804 Staples Mill Road
Suite 200
Richmond, VA 23230

Michael L. Zupan
MercerTrigiani
112 South Alfred St.
Alexandria, VA 22314

Daniel Kevin Eisenhauer
Orlans, PC
PO Box 2548
Leesburg, VA 20177

/s/ Suzanne E. Wade

Chapter 13 Trustee

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Forrest Andre Parker, Sr., Debtor)	Case No. 21-31527-KRH
)	Chapter 13
9811 Fendale Lane)	
Fredericksburg, VA 22408)	
)	
)	
XXX-XX -6408)	

NOTICE OF MOTION TO DISMISS CASE WITH PREJUDICE, AND HEARING THEREON

Suzanne E. Wade, Chapter 13 Trustee, has filed with the Court a Motion to Dismiss Case With Prejudice (the "Motion") in the above-captioned case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then on or before June 24, 2020, you or your attorney must:

(X)File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough that the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Suzanne E. Wade, Chapter 13 Trustee
Post Office Box 1780
Richmond, Virginia 23218-1780

(X) Attend a remote hearing, which has been scheduled for October 20, 2021 at 11:30 a.m.

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REMOTE HEARING INFORMATION:

Due to the COVID-19 public health emergency, no in-person hearings are being held. This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

If no timely response has been filed opposing the relief requested, the Court may grant the relief requested in the motion.

Date: September 9, 2021

/s/ Suzanne E. Wade
Chapter 13 Trustee

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing NOTICE OF MOTION TO DISMISS CASE WITH PREJUDICE, AND HEARING THEREON was served electronically or by first-class mail, postage prepaid, this 9th day of September, 2021, upon the following parties:

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